

REMARKS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-11 in the application, and in a prior response, elected to prosecute Claims 1-6. Accordingly, Claims 1-6 are currently pending in the application.

I. Obviousness-Type Double Patenting Rejections

The Examiner has provisionally rejected Claims 1-4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-4 of copending U.S. Application No. 10/803,641 ('641).

In response, the Applicants submit that because all the other grounds for the rejection of the claims currently pending in the application have been successfully refuted as set forth below, and because the '641 application has not yet issued, the Examiner should withdraw this provisional rejection and allow the claims to issue.

II. Rejection of Claims 1-6 under 35 U.S.C. §102

The Examiner has rejected Claim 1-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,728,591 to Clark ("Clark").

Claim 1, among other things, recites, "means for changing the pressure of at least a first fluid disposed within said plurality of cells in order to cause a selected liquid to change the degree of penetration of said feature pattern."

Regarding the teaching of this element, the Examiner states:

Brennan further teaches means for changing the pressure of the least a first fluid/functional material disposed within the plurality of cells (18) in order to cause a selected liquid change the degree of penetration of the featured pattern (See Figures 1-3) (Examiner's Detailed Action Section 5).

If the Examiner intended to apply a "Brennan" reference in a §102 rejection of this claim, then the Applicants would appreciate a citation or copy of this reference, so that they can respond to the rejection.

If the Examiner intended to assert that Figures 1-3 of Clark teach the above-quoted element of Claim 1, then the Applicants respectfully disagree.

The Applicants have carefully inspected Figures 1-3 of Clark and cannot find depiction of a fluid within a plurality of cells, or of a means of changing the pressure of such a fluid. Nor can the Applicants find a depiction of a liquid whose degree of penetration is changed by changing the pressure of such a fluid.

Therefore, Clark as applied by the Examiner, does not disclose each and every element of Claim 1 and as such, is not an anticipating reference for this claim, or its dependent claims. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

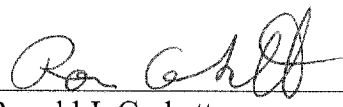
III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a timely Notice of Allowance for Claims 1-6.

It is not believed that any fees are due regarding this matter, however, the Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,
Hitt Gaines, P.C.



Ronald J. Corbett
Registration No. 47,500

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Hitt Gaines, P.C.
P.O. Box 832570
Richardson, Texas 75083-2570